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09/826,038	04/05/2001	Toshiaki Ohmori	50090-288	3783
7590	02/25/2004		EXAMINER	
McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096			CHEN, KIN CHAN	
			ART UNIT	PAPER NUMBER
			1765	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 021304

Application Number: 09/826,038
Filing Date: April 05, 2001
Appellant(s): OHMORI, TOSHIAKI

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 12, 2004.

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GROUP 1700

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

Whether or not claim 6 is obvious under 35 U.S.C. § 103(a) over Funk et al. (US 6,148,239; hereinafter "Funk").

(7) Grouping of Claims

Claim 6 is the sole claim on appeal.

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,148,239

FUNK et al.

12-1997

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al. (US 6,148,239; hereinafter "Funk").

Funk teaches a method of manufacturing a semiconductor device including a plurality of processing processes. The processes may be performed in sequences. The dimension (e.g., critical dimension, FICD) of the film may be acquired (col. 5, lines 35-37). The processing requirements for the subsequent process may be determined on the basis of the dimension of the film to be processed. The processing processes may include dry etching (plasma etching) and wet etching (col. 2, lines 38-60; col. 11, lines 12-25).

The instant claim differs from Funk by specifying wet etch after the step of dry etching. However, Funk teaches that a plurality of processing processes may be performed in sequences (col. 2, lines 39-40; col. 11, lines 12-16). The processing processes may include dry etching (plasma etching) and wet etching. Therefore, it would have been obvious to one with ordinary skilled in the art to perform various processes in various sequences (e.g., wet etching after a dry etching as claimed) depending on the specific product requirement.

(11) *Response to Argument*

Appellant has argued that Funk does not teach that both wet etching and dry etching are used in a single process sequence and the dimension of the film after dry etching is used to determine the process requirements of wet etching. It is not

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persuasive. As has been stated in the office actions, Funk teaches a method of manufacturing a semiconductor device including a plurality of processing processes. The processes may be performed in sequences (**col. 2, lines 39-40**; col. 11, lines 12-16). The critical dimension of the film may be acquired. The processing requirements for the subsequent process may be determined on the basis of the dimension of the film to be processed. The processing processes may include dry etching (plasma etching) and wet etching (col. 2, lines 38-60; col. 11, lines 12-25).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

K. C. Chen

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Primary Examiner

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K-C C

February 17, 2004

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